

PROOF

STATE OF IOWA

House Journal

FRIDAY, MARCH 5, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 5, 2004

The House met pursuant to adjournment at 10:16 a.m., Kramer of Polk in the chair.

The Journal of Thursday, March 4, 2004 was approved.

INTRODUCTION OF BILLS

[House Joint Resolution 2008](#), by Frevert, Shultz, Gaskill and Mertz, a joint resolution nullifying an administrative rule establishing a moratorium on new gambling licenses and providing an effective date.

Read first time and referred to committee on **state government**.

[House File 2459](#), by committee on education, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

Read first time and placed on the **calendar**.

[House File 2460](#), by committee on education, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

Read first time and placed on the **calendar**.

[House File 2461](#), by committee on education, a bill for an act changing dates related to school district requests to the department of education for approval to use additional allowable growth for programs for returning dropouts and dropout prevention.

Read first time and placed on the **calendar**.

[House File 2462](#), by committee on human resources, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

Read first time and placed on the **calendar**.

[House File 2463](#), by T. Taylor, a bill for an act relating to counseling and time off for railroad employees involved in certain accidents.

Read first time and referred to committee on **transportation**.

[House File 2464](#), by committee on human resources, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

Read first time and placed on the **calendar**.

[House File 2465](#), by committee on human resources, a bill for an act establishing requirements for persons contracting with the department of human services.

Read first time and placed on the **calendar**.

[House File 2466](#), by committee on education, a bill for an act relating to school district transportation of students participating in open enrollment.

Read first time and placed on the **calendar**.

[House File 2467](#), by committee on state government, a bill for an act relating to the quorum requirement for the Iowa Access advisory council.

Read first time and placed on the **calendar**.

[House File 2468](#), by committee on state government, a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

Read first time and placed on the **calendar**.

[House File 2469](#), by committee on transportation, a bill for an act relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

Read first time and placed on the **calendar**.

[House File 2470](#), by committee on economic growth, a bill for an act relating to a study identifying a permanent funding source for the grow Iowa values fund.

Read first time and placed on the **calendar**.

[House File 2471](#), by committee on local government, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state.

Read first time and placed on the **calendar**.

[House File 2472](#), by committee on local government, a bill for an act relating to comprehensive plans used by cities and counties when developing zoning regulations and including an applicability provision.

Read first time and placed on the **calendar**.

[House File 2473](#), by committee on human resources, a bill for an act relating to involuntary hospitalization procedures involving the county single entry point process and patient advocates.

Read first time and placed on the **calendar**.

[House File 2474](#), by committee on agriculture, a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties.

Read first time and referred to committee on **ways and means**.

[House File 2475](#), by committee on agriculture, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs.

Read first time and placed on the **calendar**.

[House File 2476](#), by committee on agriculture, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties.

Read first time and placed on the **calendar**.

[House File 2477](#), by committee on local government, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, authorizing certain fire departments to assess fees to certain property owners for fire protection service, and delaying the budget certification deadline for certain townships, and including an effective date provision and applicability date provisions.

Read first time and referred to committee on **ways and means**.

[House File 2478](#), by committee on agriculture, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Read first time and referred to committee on **appropriations**.

[House File 2479](#), by committee on agriculture, a bill for an act relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties.

Read first time and placed on the **calendar**.

[House File 2480](#), by committee on judiciary, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

Read first time and placed on the **calendar**.

[House File 2481](#), by committee on judiciary, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Read first time and placed on the **calendar**.

[House File 2482](#), by committee on judiciary, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making an appropriation, making penalties applicable, and providing an effective date.

Read first time and referred to committee on **appropriations**.

[House File 2483](#), by committee on commerce, regulation and labor, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

Read first time and placed on the **calendar**.

GOVERNOR'S VETO MESSAGE

March 5, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 2124](#), an Act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, providing for a reduction in area education agency funding, making appropriations, and providing an applicability date.

The bill as drafted falls short of the two percent allowable growth in fiscal year 2005 and underfunds the important Area Education Agencies. Students in Iowa schools will be ill served by only setting a two percent allowable growth rate for fiscal year 2006, capping the state aid available that may result in less than two percent growth, reducing state aid to Area Education Agencies, and mandating expenditures for textbooks and supplies. The children, teachers, and families of Iowa deserve better than this. They deserve adequate resources so their schools can be the best they can be. They deserve education to be our top priority, because if it isn't, their future and our future as a state will suffer. The bill as drafted would lead to teacher layoffs, larger class sizes, and limited learning opportunities for our children.

The bill requires that \$10 million be allocated annually for textbooks and supplies from the amount each district receives for foundation aid. Local authorities should have the power to determine how to allocate limited resources; and school districts need additional resources in all areas, not just textbooks and supplies. This requirement usurps local districts' decision-making authority and priority setting.

Education is also Iowa's strongest asset for future economic growth. Education is what we used to sell and market this state when we encourage companies to locate

here. Iowa's workforce is extremely productive because they are so well educated – if we do not act now to fund education adequately, we will erode our economic growth efforts to attract and retain high-skill, high-wage jobs.

I am unable to approve [Senate File 2124](#). This bill changes the process of setting allowable growth by eliminating the requirement that the legislature act in the year preceding the budget year in which allowable growth is required. Moving the date so the rate is set six months before the start of the school year, rather than eighteen months, sends the signal that education is no longer a top priority.

After hearing from thousands of people, it is clear that Iowans want us to support education. Republicans in the legislature must not be listening to the same students, parents, teachers, and administrators I hear from every day. Iowans deserve better – they deserve to be heard.

For the above reasons, I hereby respectfully disapprove [Senate File 2124](#). However, I stand ready to work with legislators to establish an allowable growth number for next year that truly reflects Iowa's commitment to educational excellence and complies with Iowa law.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2004\644 | Daniel J. Lekwa, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\645 | Christopher A. Jacob, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\646 | Errette and Margaret Logan, Fort Madison – For celebrating their 70 th wedding anniversary. |
| 2004\647 | Les and Gladys McGohan, Mt. Pleasant – For celebrating their 65 th wedding anniversary. |

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 715](#)

Human Resources: Boddicker, Chair; Heaton and Smith.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly [House File 2406](#)), relating to the keeping of farm deer.

Fiscal Note not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 655](#)), relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

Fiscal Note not required.

Recommended **Amend and Do Pass** March 4, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House Study Bill 701](#)), providing for a health insurance study by the commissioner of insurance and by providing an effective date.

Fiscal Note not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 714](#)), relating to electric power generation and the cogeneration pilot program.

Fiscal Note not required.

Recommended **Amend and Do Pass** March 4, 2004.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly [House File 2285](#)), creating a main street economic initiative.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 665](#)), amending the joint rules of the Senate and House of Representatives for the Eightieth General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 677](#)), relating to purchasing preferences for Iowa-based products and services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 679](#)), relating to regional development and joint exercise of governmental powers, related county enterprise authority, and providing tax credits for economic development regions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 2191](#)), providing for the establishment of a cancer drug repository program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2209](#)), relating to the provision of a copy of a certificate of birth to a biological parent.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2228](#)), to establish a newslines for the blind program within the department for the blind and to establish telephone utility assessments.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2295](#)), relating to juvenile court jurisdiction over child support orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2421](#)), relating to a pilot project for dementia-specific care alternatives.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 153](#)), relating to public assistance benefits received by persons who were not entitled or eligible to receive the benefits, providing criminal and civil penalties, and appropriating certain penalties received.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 649](#)), providing for reform of services and other support provided for persons with mental illness, developmental disabilities, or brain injury, revising county property tax levy authority for the services, and providing appropriations and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House File 2250](#)), relating to shared governmental functions among local governments by allowing certain cities and counties to be certified as freedom communities, effecting income and property taxation and fee-setting authority within such communities, providing other incentives for such certification, and by modifying the establishment and authority of community clusters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

AMENDMENTS FILED

H-8157	H.F. 2394	Mascher of Johnson
H-8158	H.F. 2394	Mascher of Johnson
H-8159	H.F. 2394	Mascher of Johnson
H-8160	H.F. 2394	Mascher of Johnson
H-8161	H.F. 2418	Mascher of Johnson
H-8162	H.F. 2394	Huser of Polk
H-8163	H.F. 2390	Huser of Polk
H-8164	H.F. 2394	Mascher of Johnson
H-8165	H.F. 2170	Huser of Polk
H-8166	H.F. 2170	Huser of Polk

<u>H-8167</u>	<u>H.F. 2170</u>	Huser of Polk
<u>H-8168</u>	<u>H.F. 2170</u>	Huser of Polk
<u>H-8169</u>	<u>H.F. 2380</u>	Huser of Polk
<u>H-8170</u>	<u>H.F. 2305</u>	Huser of Polk
<u>H-8171</u>	<u>H.F. 2305</u>	Huser of Polk
<u>H-8172</u>	<u>H.F. 2305</u>	Huser of Polk
<u>H-8173</u>	<u>H.F. 2304</u>	Huser of Polk
<u>H-8174</u>	<u>H.F. 2304</u>	Huser of Polk

On motion by Lukan of Dubuque the House adjourned at 10:20 a.m., until 1:00 p.m., Monday, March 8, 2004.